

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

IN RE: ORAL PHENYLEPHRINE MARKETING  
AND SALES PRACTICES LITIGATION

THIS DOCUMENT RELATES TO ALL CASES

Case No.: 1:23-md-3089-BMC

**APPLICATION OF BEASLEY  
ALLEN LAW FIRM FOR  
APPOINTMENT TO EXECUTIVE  
COMMITTEE  
LEADERSHIP POSITION**

This Court directed counsel for each side to confer and attempt to reach a consensus regarding a leadership structure for this case. The undersigned filed a Complaint in the Northern District of Florida that was transferred to this Court<sup>1</sup> after the Consensus Plaintiffs filed their Motion for an Order Appointing Plaintiffs' Proposed Leadership Structure and Appointing Interim Class Counsel.<sup>2</sup> Consequently, counsel was unable to participate in the conferral process. Rebecca D. Gilliland of Beasley, Allen, Crow, Methvin, Portis & Miles, P.C. (hereinafter "Beasley Allen") respectfully requests appointment to the Plaintiffs' Executive Committee ("PEC") and as Interim Class Counsel, or, alternatively, appointment to the Plaintiff's Steering Committee ("PSC").

**I. The Addition of Ms. Gilliland to Leadership Will Benefit Plaintiffs and the Class**

Ms. Gilliland is an experienced complex litigation attorney with over a decade of experience in all phases of class and MDL cases. On top of this, Ms. Gilliland is a female southerner and a United States Marine Corps veteran, both of which provide new and additional points of view and diversity to the Consensus Plaintiffs' proposal.

***a. Beasley Allen Attorneys' Experience in Class Actions, Complex Litigation, and the Types of Claims Asserted Here***

Beasley Allen has a record of accomplished leadership in class action and MDL cases throughout this country, and specifically in consumer protection MDL/class action litigation. Rebecca D. Gilliland is a Principal at Beasley Allen and a seasoned litigator with experience

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<sup>1</sup> ECF No. 128.

<sup>2</sup> ECF No. 115.

directly suited to the claims at issue in this MDL. Ms. Gilliland has worked for several years on the *In re: Blue Cross Blue Shield Antitrust Litigation* where she was one of the attorneys taking multiple depositions of the Blue Cross Blue Shield Association, Blue Cross Blue Shield of Alabama, and several of the 30(b)(6) depositions of various other Blue entities. In addition to her deposition duties, Ms. Gilliland also was heavily involved in briefing complex matters and managing a team of document reviewers throughout the process.

Ms. Gilliland was also trial counsel in the firm's recent class action trial in the Northern District of California, successfully handling many of the pretrial matters and examining defense witnesses at trial. That case, *Siqueiros, et al., v. General Motors LLC*, resulted in a full verdict in favor of the Classes in all three certified states. Not only was Ms. Gilliland trial counsel, she also handled extensive briefing and arguing of motions, including a hard-fought denial of the defendant's Rule 50(b) motion, confirming the jury's award. In addition to class action trial work, Ms. Gilliland has previously worked on multiple litigations on behalf of various states' attorneys general, with a focus on consumer protection claims, including representing multiple states in the *Average Wholesale Pricing Litigation*, and on other multi-district litigations, including *In re: Prempro Products Liability Litigation*.

Ms. Gilliland, a veteran of the United States Marine Corps, also sought and obtained an L.L.M., with honors, in insurance law from the University of Connecticut School of Law. She has lectured on Whistleblower litigation for CLE Alabama, multiple insurance concepts for NALA, the Paralegal Association, and was a featured panelist for the San Francisco Trial Lawyers' recent CLE: *Don't Be Terrorized by Terabytes: Tips and Tricks for Handling Data and Documents from Class and Mass Action Practitioners*. Ms. Gilliland was also recognized by the National Trial Lawyers Top 40 under 40 in 2018 and is the current secretary and CLE co-chair of the Escambia Santa Rosa Bar Association.

Based on the personal experience and qualifications of Ms. Gilliland, as well as that of the Beasley Allen Law Firm and the Firm's commitment to financial and staffing obligations (*see* Exhibit A –Personal Resumé of Rebecca D. Gilliland; and Exhibit B – Beasley Allen Firm

Resumé, attached hereto) Beasley Allen is supremely qualified for appointment as a member of the PEC and Interim Class Counsel, or, alternatively, the PSC, in this MDL.

***b. Beasley Allen's Knowledge of the Applicable Law***

As evidenced by Beasley Allen's experience, noted above, the Firm has extensive knowledge of the law applicable to the claims asserted in this MDL. Ms. Gilliland's credentials evidence a history of representing plaintiffs in complex litigation, particularly class litigation and litigation involving consumer and pharmaceutical claims, giving her first-hand knowledge of the legal issues that will apply to the claims asserted here.

***c. The Resources that Beasley Allen Will Commit to Representing the Class***

Beasley Allen employs 101 attorneys and 257 support staff, and has offices in Montgomery, AL; Atlanta, GA; Mobile, AL; and Dallas, TX. As noted in the Firm Resumé, numerous Beasley Allen attorneys have been recognized or profiled in national publications for the work they have done in class action litigation. Beasley Allen will be able to dedicate the resources, personnel, and time necessary to pursue these claims on behalf of the putative Class, as it has done in the past.

Beasley Allen has ample financial resources and staffing to fund and manage large class action litigations. We do not have to use litigation financing for our cases, and will not do so in this litigation, which also demonstrates our total commitment to this important case. We have committed substantial resources in many high profile and complex class actions such as the VW "Clean Diesel" MDL, Chrysler-Fiat "EcoDiesel" MDL, Toyota SUA MDL, Takata Airbag MDL, the BCBS Antitrust MDL, the GM 5300 Litigation, and many others with no issue as to sufficiency or timeliness. In light of the fact that Beasley Allen handles these major class action matters on a contingency fee basis, it is apparent that our firm is committed to zealously representing the rights of putative Class Members and pursuing a favorable result for their claims. Beasley Allen proudly accepts the financial responsibility to make this case successful on behalf of putative Class Members.

***d. Ability to Work Collaboratively with Co-Counsel, Opposing Counsel and Non-Party Counsel***

The volume of class action and MDL appointments in Beasley Allen's Firm Resumé demonstrates cooperative working relationships with numerous plaintiffs' firms, including many of the Consensus Plaintiffs' firms, as well as defense firms. A firm that does not collaboratively work with other firms does not receive the number of repeat appointments that Beasley Allen has been awarded. Our attorneys are committed to working collaboratively with other firms, with utmost skill and professionalism.

To prosecute their claims against the Defendants in this MDL, Plaintiffs and the putative Class need a team of experienced attorneys working collaboratively on their behalf. The Beasley Allen attorneys stand ready to work as part of the team of Interim Lead Co-Counsel in such a position.

**II. Conclusion**

For the reasons stated above, Plaintiffs Haley Hadden and Bonnie Van Noy, and their lead counsel at Beasley Allen request significant and defined leadership roles in this litigation that will steward this MDL through class certification and beyond. The value that Beasley Allen adds to the case and the dedication of both Class Representatives will benefit all putative Class Members. For this reason, Beasley Allen respectfully requests that this Court 1) appoint Rebecca D. Gilliland as a member of the Plaintiffs' Executive Committee and Interim Class Counsel; or 2) appoint Rebecca D. Gilliland to the Plaintiffs' Steering Committee.

DATED: February 16, 2024

Respectfully submitted,

/s/ Demet Basar

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